

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION  
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SOUTHERN DISTRICT  
OF INDIANA  
CLERK'S OFFICE

PATRINA HEARN,

Plaintiff,

v.

HEARTLAND RESIDENTIAL  
SERVICES, INC.,

Defendant.

CASE NO.:

1 : 12 -cv- 1878 RLY -DKL

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

Comes now the Plaintiff, Patrina Hearn ("Plaintiff"), by counsel, and for her Complaint against Heartland Residential Services, Inc. ("Defendant"), states as follows:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over the subject matter of this action pursuant to the federal question jurisdictional grant contained in 29 U.S.C. § 1132(e)(1) as this cause is brought under the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C.A. § 12101 *et seq*

2. All of the events, transactions, and occurrences pertinent to this lawsuit have occurred within the geographical environs of the Southern District of Indiana, and all parties are located therein. Therefore, venue is proper in this Court pursuant to 28 U.S.C. Sec. 1391.

3. Plaintiff satisfied her obligation to exhaust her administrative remedies by having timely filed a U.S. Equal Employment Opportunity Commission Charge of Discrimination alleging discrimination based on a disability.

**II. PARTIES**

4. At all times relevant to this litigation, Plaintiff resided within the geographical boundaries of the Southern District of Indiana.

5. At all times relevant to this litigation, Defendant is an Indiana corporation which maintained offices and conducted business within the geographical boundaries of the Southern District of Indiana.

### **III. FACTUAL ALLEGATIONS**

6. Patrina Hearn ("Plaintiff") is a disabled female who was originally hired by Heartland Residential Services, Inc. ("Defendant") on May 2006, in the position of Job Coach.

7. At all times relevant, Plaintiff met or exceeded Defendant's legitimate expectations of performance.

8. Plaintiff informed Defendant of her disability and Defendant was aware of Plaintiff's disability.

9. Due to her disability, Plaintiff was terminated from her employment with Respondent citing Plaintiff's disability as a liability to Defendant.

### **IV. LEGAL CLAIMS**

#### **COUNT 1 – Violation of the Americans with Disabilities Act of 1990, 42 U.S.C.A. § 12101**

10. Plaintiff hereby incorporates the foregoing paragraphs one (1) through nine (9) of her Complaint as if fully set forth herein.

11. Defendant discriminated against Plaintiff due to Plaintiff's disability.

13. Defendant's actions were intentional, willful, malicious, and in reckless disregard for Plaintiff's legally-protected rights under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C.A. § 12101, *et seq.*

14. Plaintiff has suffered damages as a result of Defendant's unlawful actions.

## **V. REQUESTED RELIEF**

WHEREFORE, Plaintiff, Patrina Hearn, requests the judgment of this Court against Defendant as follows:

- A. Issue a declaratory judgment that Defendant's acts, policies, and procedures violate the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C.A. § 12101 *et seq.*;
- B. Permanently enjoin Defendant, its officers, agents, employees, and attorneys acting in concert with them from engaging in any employment policy or practice that violates the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C.A. § 12101 *et seq.*;
- C. Reinstate Plaintiff to the position she held prior to her termination or award Plaintiff front pay in lieu thereof;
- D. Award Plaintiff compensatory damages, consequential damages, emotional distress damages, and lost wages and benefits in an amount sufficient to compensate Plaintiff for the damages caused by Defendant's unlawful actions;
- E. Award Plaintiff punitive damages;
- F. Award Plaintiff her attorneys' fees, litigation expenses, and costs incurred as a result of this action;
- G. Award Plaintiff pre- and post-judgment interest on all sums recoverable; and
- H. Award any and all other relief as may be just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff, Patrina Hearn, by counsel, respectfully requests a jury trial for all issues deemed so triable.

Respectfully submitted,

RAMEY & HAILEY



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